

**FILED**

**AUG 13 2021**

Clerk, U.S. Courts  
District Of Montana  
Billings Division

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ATTORNEYS FOR DEFENDANT-INTERVENOR-APPLICANT  
PEAK POWDER RIVER ACQUISITIONS, LLC  
AND R&R ROYALTY, LTD.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

|  |   |  |
|--|---|--|
| MONTANA WILDLIFE                       | ) | Case No. CV-18-69-GF-BMM               |
| FEDERATION; THE WILDERNESS             | ) |  |
| SOCIETY; NATIONAL AUDUBON              | ) |  |
| SOCIETY; NATIONAL WILDLIFE             | ) |  |
| FEDERATION; and MONTANA                | ) | <b>PEAK POWDER RIVER</b>               |
| AUDUBON,                               | ) | <b>ACQUISITIONS, LLC'S AND R&amp;R</b> |
|  | ) | <b>ROYALTY, LTD.'S JOINT</b>           |
| Plaintiff,                             | ) | <b>MOTION TO INTERVENE</b>             |
|  | ) |  |
| v.                                     | ) |  |
|  | ) |  |
| DAVID BERNHARDT, in his official       | ) |  |
| capacity as Secretary of the Interior; | ) |  |
| DONATO JUDICE, in his official         | ) |  |
| capacity as Montana Bureau of Land     | ) |  |
|  | ) |  |

Management Deputy State Director; )  
UNITED STATES BUREAU OF )  
LAND MANAGEMENT; and UNITED )  
STATES DEPARTMENT OF THE )  
INTERIOR, )  
Defendants. )

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Peak Powder River Acquisitions, LLC and R&R Royalty, Ltd. (collectively, the “Defendant-Intervenor Applicants”) respectfully move for leave to intervene as a right under Rule 24(a)(2) of the Federal Rules of Civil Procedure. Alternatively, Defendant-Intervenor Applicants move to intervene permissively under Rule 24(b)(1)(B) of the Federal Rules of Civil Procedure.

Filed contemporaneously herewith is Defendant-Intervenor’s Answer, which is required as part of this motion by Local Rule 24.1(b)(1)(C). Also filed contemporaneously herewith is a supporting memorandum and affidavits.

Consistent with Local Rule 7.1(c)(1), counsel contacted the other parties regarding their position on this motion. Plaintiffs do not object to Defendant-Intervenor Applicants being involved in briefing on issues related to any remedy in this case, but do object to Defendant-Intervenor Applicants’ involvement as it relates to other issues. All other parties have no objection to the Defendant-Intervenor Applicants’ involvement on all issues.

Dated this 13<sup>th</sup> day of August, 2021.

  
Brianne C. McClafferty  
Holland & Hart LLP

ATTORNEYS FOR DEFENDANT  
INTERVENOR APPLICANT PEAK  
POWDER RIVER ACQUISITIONS, LLC  
AND R&R ROYALTY, LTD.

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be mailed, first class postage paid, on this 13th day of August, 2021, to the following:

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